

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 42-63 were pending in the application, of which Claims 42, 46, and 58 are independent. In the Office Action dated May 20, 2005, Claims 42-57 were rejected under 35 U.S.C. § 102(e) and Claims 58-63 were allowed. Following this response, Claims 42-63 remain in this application.

Applicants hereby addresses the Examiner's rejections in turn.

Applicants thank Examiner Trieu for the courtesy of a telephone interview on July 27, 2005, requested by the undersigned to discuss the rejection of Claim 42-57 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,097,313 ("*Takahashi*"). During the interview, Applicants asserted that *Takahashi* at least does not disclose "when the plurality of motion sensors detect a change in a current average traffic speed beyond a threshold amount." Examiner Trieu agreed that Claims 42 and 46, as amended in the present Amendment to include the aforementioned recitation, would be allowable over *Takahashi*.

I. Change to Attorney Docket Number

Please note that the Attorney Docket Number for this application is now **60027.412USC1**.

II. Rejection of the Claims Under 35 U.S.C. § 102(e)

In the Office Action dated May 20, 2005, the Examiner rejected Claim 42-57 under 35 U.S.C. § 102(e) as being anticipated by *Takahashi*. Claims 42 and 46 have

been amended to further define and clarify the invention, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 42 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “when the plurality of motion sensors detect a change in a current average traffic speed beyond a threshold amount.” Amended Claim 46 includes a similar recitation. Accordingly, independent Claims 42 and 46 each patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 42 and 46.

Dependent Claims 43-45 and 47-57 are also allowable at least for the reasons described above regarding independent Claims 42 and 46, and by virtue of their respective dependencies upon independent Claims 42 and 46. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 43-45 and 47-57.

### III. Allowance of Claims

Applicants respectfully request that the Examiner pass Claims 58-63 to issue.

### IV. Conclusion

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the

claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

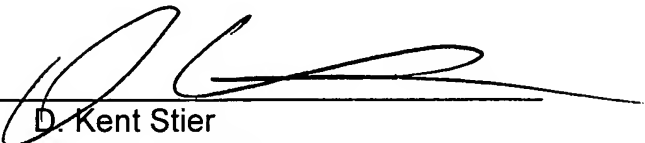
Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

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DKS:mdp

  
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